

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| v. |) | CASE NO. 2:05CR62 |
| |) | [WO] |
| JUAN R. LEAL |) | |

ORDER ON MOTION

This case is before the court on the defendant's Motion to Compel Compliance of Subpoena, filed on 7 June 2005 (Doc. # 33), and the objection to the motion, filed by the Alabama Department of Public Safety ["the Department"] on 8 June 2005 (Doc. # 36).

On 23 May 2005, the court denied the Department's Motion to Quash Subpoena (Doc. # 22) and noted that the Department had a period of three weeks (from the date of service to the date of the suppression hearing) within which to compile the requested data. Instead of producing the documents by the date of the hearing, to wit, 10 June 2005, the Department filed its objection and requested a "fifteen day extension for the Department to produce the documents requested". The court has construed the request as a motion.

Accordingly, it is

ORDERED that the Department's request for an extension is GRANTED, and the documents shall be produced to the defendant's counsel on or before 25 June 2005. The Department is WARNED as follows.

1. The defendant made an oral motion at the suppression hearing that the Department be held in contempt for failing to comply with the court's order

denying the motion to quash. The clear implication of the court's order was that the Department should comply with the subpoena. However, inter alia, because neither the subpoena nor the court's order set a definite calendar deadline for service or production of the documents, the court declined to grant the defendant's motion.

2. This order, however, sets a definite calendar deadline, i.e. 25 June 2005. Moreover, *it is a deadline proposed by the Department itself*. Therefore, the court expects full compliance with this order and will look kindly upon the defendant's renewal of its motion for contempt if the Department fails to comply with this order.

DONE this 16th day of June, 2005.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE